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the step of removing the condom from the hollow element, the internal pressure existing before the depression.

REMARKS

Applicant has now canceled claims 2-3, 11, and 13-14 and amended claims 1, 4-8, 10, and 12, where amendments have been made with reference to the set of claims accompanying Applicant's response to final dated June 28, 2002.

In particular, attention of the Examiner is respectfully drawn to the following issues:

Claim 1 contains the language "the depression resulting from the increased volume of the hollow element" and claim 10 contains the language "the depression being obtained by increasing the volume of the hollow element" (emphasis added). Reference can be made, for example, to the description of Figure 7, at page 7, lines 15-22 of the specification.

In sharp contrast, in Epshtsky, the depression does not result from the increased volume of the hollow element. To obtain the depression, the device of Epshtsky either needs an inflation cap 26 (Figure 1B of Epshtsky), or a manual bellows 88 (Figure 2B of Epshtsky). The need to use a manual bellows 88 in conjunction with the embodiment of Figure 2A in Epshtsky is also clear when making reference to Figure 2C of Epshtsky: the telescopic walls (i.e. the conical elements of cylinder 44) of the Epshtsky device are radially spaced from each other when in a collapsed condition, so that no depression at all can be obtained when extending Epshtsky's device. To the contrary, Applicant's walls contact each other when in a collapsed condition, as shown in Figure 3 of the present application, thus allowing a depression to be obtained when increasing the volume of the hollow element. In Epshtsky, an air-tight seal is obtained only at the end of the extension of the device, and not during the movement of the conical walls. Therefore, additional means are needed in Epshtsky to obtain the depression.

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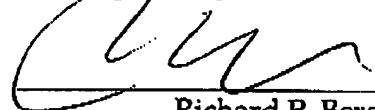
In conclusion, Applicant strongly believes that claims 1 and 10 are patentable over Epshtetsky. It follows that also claims 4-9 and 12 are patentable, at least by virtue of their dependency on claims 1 and 10, respectively. Reconsideration of the claims is respectfully requested.

Mr. Alessandro Steinfl, who has contacted the Examiner by phone during the month of August 2000, will call the Examiner on September 19, 2002 to further discuss the present application, should the need arise.

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The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

Respectfully submitted,



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Encls.:

- Appendix A
- Petition for extension of time

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax. No. (703)872-9303 on September 13, 2002

Richard P. Berg
(Name of Applicant, Assignee
or Registered Representative)



Signature

September 13, 2002
Date

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APPENDIX A

MARKED-UP COPY OF AMENDED CLAIMS

1. (Three times amended)

A device for the facilitated insertion of the male member into a condom, the condom having a condom external side, the device comprising:

a hollow element for containing the condom, the hollow element having a volume and being provided with walls and an access aperture, the walls having a wall external side and a wall internal side;

[means] a brim fastening element for fastening a brim of the condom to the access aperture of the hollow element, [in order to form] forming an air chamber between the condom external side [walls of the condom] and [internal walls] the wall internal side of the hollow element; and

a bearing element located inside the hollow element, the bearing element comprising a bearing plane for bearing a tip of the condom,

[means, associated with said hollow element, for] wherein the walls are mobile walls, movement of the mobile walls increasing the volume of the hollow element and creating a depression inside [said] the air chamber, the depression resulting from the increased volume of the hollow element, forcing adhesion of the condom to the [internal walls] wall internal side of the hollow element and allowing the subsequent facilitated insertion of the male member [, the hollow element being provided with mobile walls, said depression resulting from the increased volume of the hollow element ; and

a bearing element located inside the hollow element for bearing a tip of the condom].

2. (deleted)

[The device according to claim 1, wherein said means for creating a depression comprises a suction duct provided with a non-return valve.]

3. (deleted)

[The device according to claim 1, wherein said means for creating a depression comprises a suction duct with flexible walls, the duct being apt to be closed by throttling.]

4. (Four times amended)

The device according to claim 1, wherein [said] the mobile walls [,] are articulated in a telescopic relation therebetween.

5. (Four times amended)

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The device according to claim 1, wherein [the] elevation of the bearing element inside the hollow element is adjustable.

6. (Four times amended)

The device according to claim 1, further comprising a [means] protective element for avoiding contact between the [external walls of the] condom external side and the wall internal [walls] side of the hollow element.

7. (Amended twice)

The device according to claim 6, wherein [said means for avoiding contact are] the protective element is removable.

8. (Four times amended)

The device according to claim 1, wherein [said means, for fastening a brim of the condom to the access aperture of the hollow element are] the brim fastening element is integrally formed [therewith] with the hollow element.

9. (Amended once)

The device according to claim 1, further comprising a means for reestablishing, after said insertion, the internal pressure existing before the depression.

10. (Three times amended)

A method for the facilitated insertion of the male member into a condom, comprising the steps of:

inserting the condom into a hollow element so as to form an air chamber between external walls of the condom and internal walls of the hollow element;

providing a bearing plane for a tip of the condom;

creating a depression in [said] the air chamber, forcing adhesion of the condom to the internal walls of the hollow element, [said] the depression being obtained by increasing the volume of the hollow element;

inserting the male member inside the internal area of the condom; and

removing the condom from the hollow element, in order for [said] the condom to completely adhere to the male member [; and

providing a bearing plane for a tip of the condom before said step of creating a depression].

11. (Deleted)

[The method according to claim 10, wherein said depression is obtained by suction of the air contained inside said hollow element.]

12. (Four times amended)

The method according to claim 10, further comprising a step for re-establishing , after

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the [removal of] step of removing the condom from the hollow element, the internal pressure existing before the depression.

13. (Deleted)

[The method according to claim 11, further comprising a step for re-establishing, after the removal of the condom from the hollow element, the internal pressure existing before the depression.]

14. (Deleted)

[A device for insertion of a male member into a condom, comprising:
a hollow element for containing the condom, the hollow element being provided with an access aperture;

a fastening ring for fastening a brim of the condom to the access aperture of the hollow element, thus forming an air chamber between external walls of the condom and internal walls of the hollow element;

a suction duct, associated with said hollow element, for creating a depression inside said air chamber forcing adhesion of the condom to the internal walls of the hollow element and allowing subsequent insertion of the male member, the hollow element being provided with mobile walls, the depression resulting from the increased volume of the hollow element; and

a support element located inside the hollow element for supporting a tip of the condom.]